

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GEORGE H. PFALTZGRAFF, M.D., RESPONDENT

FILE No. 02-08-488

TERMINATION ORDER

Date: June 2, 2014.

1. Respondent was issued Iowa medical license no. 36542 on March 1, 2006.
2. Respondent's Iowa medical license will next expire on April 1, 2015.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.
4. **Practice Setting:** Respondent is an Iowa-licensed physician who practices surgery in Iowa Falls, Iowa.
5. **Statement of Charges:** On July 8, 2009, the Board filed formal disciplinary charges against Respondent alleging that he failed to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa when he performed a tubal ligation on a patient without proper consent in Iowa Falls, Iowa, in 2008.
6. **Answer:** On July 24, 2009, Respondent filed an Answer with the Board denying the Board's allegations in this matter.

7. **Settlement Agreement:** On June 2, 2011, Respondent entered into a Settlement Agreement with the Board to resolve the pending disciplinary charges. Under the terms of the Settlement Agreement, the Board issued Respondent a Citation and Warning and ordered him to pay a \$10,000 civil penalty and successfully complete a Board-approved professional ethics program. The Board also placed Respondent on probation for a period of three (3) years subject to Board monitoring.

8. **Successful Completion:** Respondent has successfully completed the terms of the June 2, 2014, Settlement Agreement.

THEREFORE IT IS HEREBY ORDERED: that the terms and conditions of Respondent's order are terminated and Respondent's Iowa medical license is returned to its full privileges, free and clear of all restrictions.

IOWA BOARD OF MEDICINE



Hamed H. Tewfik, M.D., Chairman
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

June 2, 2014

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GEORGE H. PFALTZGRAFF, M.D., RESPONDENT

FILE Nos. 02-08-488

SETTLEMENT AGREEMENT

COMES NOW the Iowa Board of Medicine (Board), and George H. Pfaltzgraff, M.D., (Respondent), and on June 2, 2011, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) enter into this Settlement Agreement to resolve the contested case currently on file.

1. Respondent was issued Iowa medical license no. 36542 on March 1, 2006.
2. Respondent's Iowa medical license will next expire on April 1, 2011.
3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

STATEMENT OF MATTERS ASSERTED

4. Respondent is an Iowa-licensed surgeon who practices in Iowa Falls, Iowa.
5. On July 8, 2009, the Board filed formal disciplinary charges against Respondent alleging that he failed to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa when he performed a tubal ligation on a patient without proper consent in Iowa Falls, Iowa, in 2008.

6. On July 24, 2009, Respondent filed an Answer with the Board denying the Board's allegations in this matter.

SETTLEMENT AGREEMENT

7. **CITATION AND WARNING:** Respondent is hereby **CITED** for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa when he performed a tubal ligation on a female patient without proper consent in Iowa Falls, Iowa, in 2008. Respondent is hereby **WARNED** that such conduct in the future may result in further disciplinary action, including suspension or revocation of his Iowa medical license.

8. **CIVIL PENALTY:** Respondent shall pay a civil penalty in the amount of **\$10,000**. The civil penalty shall be paid within twenty (20) days of the date of this Order, by delivery of a check or money order, payable to the Treasurer of Iowa, to the Board's Executive Director. The civil penalty shall be deposited into the State General Fund.

9. **PROBE ETHICS PROGRAM:** Respondent shall successfully complete the Professional/Problem Based Ethics (PROBE) program sponsored by the Ethics Group, LLC, of Summit, New Jersey within ninety (90) days of the date of this Order. Respondent shall be responsible for all costs associated with the ethics program and he shall ensure that a report is sent directly to the Board at the conclusion of the program.

10. **THREE YEARS PROBATION:** Respondent shall be placed on probation for a period of three years subject to the following terms and conditions:

- A. **Monitoring Program:** Respondent shall establish a Board monitoring program with Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686, Ph.#515-281-3654, within thirty (30) days of receipt of this Order. Respondent shall fully comply with all requirements of the monitoring program. If Respondent fails to establish a Board monitoring program within thirty (30) days of receipt of this Order, or fails to fully comply with all requirements of the Board monitoring program, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24.
- B. **Worksite Monitor:** Respondent shall establish a worksite monitoring program with the Board within thirty (30) days of receipt of this Order. If Respondent fails to establish a worksite monitoring program within thirty (30) days of receipt of this Order or fails to fully comply with all requirements of the worksite monitoring program, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 24. Respondent shall submit for Board approval the name of a physician who regularly observes and/or supervises Respondent

in the practice of medicine to serve as worksite monitor. The Board shall provide a copy of all Board orders relating to this matter to the worksite monitor. The worksite monitor shall provide a written statement indicating that they have read and understand this Order and agrees to serve under the terms of this Order. The worksite monitor shall agree to inform the Board immediately if there is evidence of professional misconduct, improper medical care or a violation of the terms of this Order. The worksite monitor shall submit quarterly reports to the Board no later than 1/20, 4/20, 7/20 and 10/20 of each year of this Order. The worksite monitor may be asked to appear before the Board in-person, or by telephone or video conferencing. The worksite monitor shall be given written notice of the date, time and location for the appearances. Such appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(d).

- C. **Quarterly Reports:** Respondent shall file sworn quarterly reports with the Board attesting to his compliance with the terms of this Settlement Agreement. The reports shall be filed not later than 1/10, 4/10, 7/10 and 10/10 of each year of the Order.
- D. **Board Appearances:** Respondent shall make appearances before the Board or a Board committee annually or upon request. Respondent shall be given reasonable notice of the date, time and location for the appearances. Said appearances shall be subject to the waiver provisions of 653 IAC 24.2(5)(e)(3).

E. **Monitoring Fee:** Respondent shall make a payment of \$100 to the Board each quarter for the duration of this Order to cover the Board's monitoring expenses in this matter. The monitoring fee shall be received by the Board with each quarterly report from Respondent required by this Order. The monitoring fee shall be sent to: Shantel Billington, Compliance Monitor, Iowa Board of Medicine, 400 SW 8th Street, Suite C, Des Moines, IA 50309-4686. The check shall be made payable to the Iowa Board of Medicine. The Monitoring Fee shall be considered repayment receipts as defined in Iowa Code section 8.2.C.

11. Respondent voluntarily submits this Order to the Board for consideration.

12. This Order constitutes the resolution of a contested case proceeding.

13. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

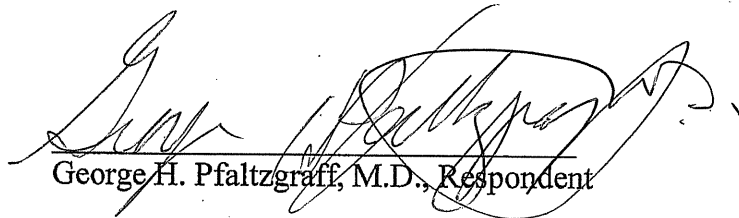
14. In the event Respondent violates or fails to comply with any of the terms or conditions of this Order, the Board may initiate action to suspend or revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

15. Periods of residence or practice outside the state of Iowa shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board. Periods in which Respondent does not practice medicine or fails to comply with the terms established in this Order shall not apply to the duration of this Order unless Respondent obtains prior written approval from the Board.

16. By entering into this Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges and waives any objections to the terms of this Order.

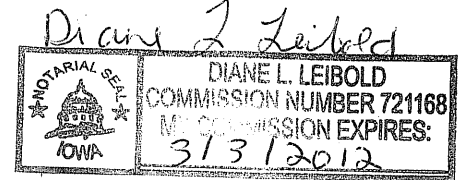
17. This Order is subject to approval by the Board. If the Board fails to approve this Order, it shall be of no force or effect to either party.

18. The Board's approval of this Order shall constitute a **Final Order** of the Board.

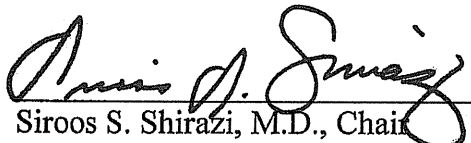

George H. Pfaltzgraff, M.D., Respondent

Subscribed and sworn to before me on April 21, 2011.

Notary Public, State of Iowa.



This Order is approved by the Board on June 2, 2011.


Siroos S. Shirazi, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

BEFORE THE IOWA BOARD OF MEDICINE

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

GEORGE H. PFALTZGRAFF, M.D., RESPONDENT

FILE Nos. 02-08-488

STATEMENT OF CHARGES

COMES NOW the Iowa Board of Medicine on July 8, 2009, and files this Statement of Charges pursuant to Iowa Code section 17A.12(2). Respondent was issued Iowa medical license no. 36542 on March 1, 2006. Respondent's Iowa medical license is active and will next expire on April 1, 2011.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing. A disciplinary contested case hearing shall be held on September 9, 2009, before the Board. The hearing shall begin at 8:30 a.m. and shall be located in the conference room at the Board office at 400 SW 8th Street, Suite C, Des Moines, Iowa.

2. Answer. Within twenty (20) days of the date you are served this Statement of Charges you are required by 653 IAC 24.2(5)(d) to file an Answer. In that Answer, you should state whether you will require a continuance of the date and time of the hearing.

3. Presiding Officer. The Board shall serve as presiding officer, but the Board may request an Administrative Law Judge make initial rulings on pre-hearing matters, and be present to assist and advise the board at hearing.

4. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 653 IAC 25. At hearing, you will be allowed the opportunity to respond to the charges against you, to produce evidence on your behalf, cross-examine witnesses, and examine any documents introduced at hearing. You may appear personally or be represented by counsel at your own expense. If you need to request an alternative time or date for hearing, you must review the requirements in 653 IAC 25.16. The hearing may be open to the public or closed to the public at the discretion of the Respondent.

5. Prosecution. The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address: Theresa O'Connell Weeg, Assistant Attorney General, Iowa Attorney General's Office, 2nd Floor, Hoover State Office Building, Des Moines, Iowa 50319.

6. Communications. You may not contact board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve upon all parties in the case. You should direct any questions to Kent M. Nebel, J.D., the Board's Legal Director at 515-281-7088 or to Assistant Attorney General Theresa O'Connell Weeg at 515-281-6858.

B. LEGAL AUTHORITY AND JURISDICTION

7. Jurisdiction. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 148, and 272C.

8. Legal Authority. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 148, and 272C and 653 IAC 25.

9. Default. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 653 IAC 25.20.

C. SECTIONS OF STATUTES AND RULES INVOLVED

COUNT I

10. Respondent is charged pursuant to Iowa Code sections 147.55(2), 148.6(2)(g) and 272C.10(2), and 653 IAC 23.1(2)(g), for failing to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa.

STATEMENT OF THE MATTERS ASSERTED

11. Respondent is an Iowa-licensed surgeon who practices in Iowa Falls, Iowa.

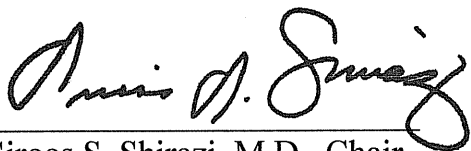
12. The Board alleges that Respondent failed to conform to the minimal standard of acceptable and prevailing practice of medicine in Iowa when he performed a tubal ligation on a female patient without proper consent in Iowa Falls, Iowa, in 2008. The information reviewed by the Board indicates that the patient affirmatively told Respondent that she did not want a tubal ligation, she did not sign a consent form for a tubal ligation and Respondent performed the procedure without proper patient consent.

E. SETTLEMENT

13. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 IAC 25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088.

F. PROBABLE CAUSE FINDING

14. On July 8, 2009 the Iowa Board of Medicine found probable cause to file this Statement of Charges.

A handwritten signature in black ink, appearing to read "Siroos S. Shirazi". The signature is fluid and cursive, with a large, stylized "S" at the beginning and a long, sweeping underline.

Siroos S. Shirazi, M.D., Chair
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686